

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

April 27, 2009

DIVISION ONE

B210850 Los Angeles County, D.C.F.S. (Not for Publication)
v.
M.R.

The juvenile court orders of September 18, 2008, denying the section 388 petitions and terminating parental rights, are affirmed.

Weisberg, J. (Assigned)

We concur: Mallano, P.J.
 Rothschild, J.

DIVISION TWO

B206572 People (Not for Publication)
v.
Gomez

The judgment is modified to reflect actual custody credit of 466 days. The trial court is ordered to send a certified copy of a corrected abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Boren, P.J.

We concur: Doi Todd, J.
 Chavez, J.

DIVISION THREE

B205343 Carlos Olvera et al (Certified for Publication)
 v.
 El Pollo Loco, Inc.

The order is affirmed. Olvera is entitled to recover his costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

B207702 Ernest J. Franceschi, Jr. (Not for Publication)
 v.
 Harrah's Entertainment, et al.,

The judgment is reversed with directions to the trial court to vacate its order granting the motion to dismiss based on forum non conveniens and enter a new order denying the motion to dismiss. The trial court is directed to consider such further evidence and argument as it deems appropriate and to rule on the motion to stay the action based on forum non conveniens. Plaintiff is entitled to recover his costs on appeal.

Croskey, J.

We concur: Klein, P.J.
 Kitching, J.

B202868 Joseph Daniel Davis (Not for Publication)
 v.
 Jeff Ira Nadrich et al

The summary judgment is affirmed. Appellant Joseph Daniel Davis is to pay all costs on appeal.

Aldrich, J.

We concur: Klein, P.J.
 Croskey, J.

April 27, 2009 (Continued)

DIVISION FOUR

B208353 Sakaguchi (Certified for Publication)
 v.
 Sakaguchi

The order denying Takeshi's motion to set aside the entry of default and subsequent default judgment is affirmed. Guillermina shall have her costs on appeal.

Epstein, P.J.

We concur: Willhite, J.
 Manella, J.

B208530 People (Not for Publication)
 v.
 Lockett

The order is affirmed.

Epstein, P.J.

We concur: Willhite, J.
 Manella, J.

DIVISION FIVE

B200675 Joseph Maatuk, et al.
 v.
 Bruce Guttman

Filed order certifying opinion for publication.

April 27, 2009 (Continued)

DIVISION FIVE (continued)

B207108 People (Not for Publication)
v.
Rodney Anthony Lewis

The sentence as to count 1 is reversed. A 20-month consecutive sentence is imposed as to count 1. The abstract of judgment is modified to reflect the award of 214 days presentence custody credits and the Penal Code section 12022.5, subdivision (a) enhancement as to count 9. The superior court clerk shall forward a corrected copy of the abstract of judgment to the Department of Corrections and Rehabilitation. The judgment is affirmed in all respects.

Turner, P.J.

We concur: Armstrong, J.
 Mosk, J.

DIVISION SIX

B206622 People (Not for Publication)
v.
Elias

We direct the trial court to modify the abstract of judgment to reflect imposition of a five-year section 12022.8 enhancement for the sexual penetration offense (count 7), and a stay of the section 12022.7 enhancement for the robbery offense (count 5). A copy of the amended abstract of judgment is to be forwarded to the Department of Corrections. In all other respects, the judgment is affirmed.

Coffee, J.

We concur: Gilbert, P.J.
Perren, J.

April 27, 2009 (Continued)

DIVISION SIX (continued)

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The judgment is modified to reflect stayed sentences of three years four months on each of counts 3, 4, and 5, consisting of one-third of the midterm (one year, four months) for each substantive offense, plus one-third of the upper term (two years) for each great bodily injury enhancement pursuant to section 12022.7, subdivision (d). As so modified, the total determinate term shall be 12 years. The trial court shall forward a modified abstract of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

DIVISION SEVEN

B203800 Iglesia Evangelica Latina, et al., (Certified for Publication)
v.
So. Pacific Latin American District of the Assemblies of God, et al.,

The judgment of the superior court is reversed. IEL's claims for conversion and money had and received are remanded for trial. After trial judgment is to be entered in favor of IEL on all of SPLAD's claims and in favor of IEL on IEL's first, second, third and fourth causes of action. Appellants are to recover their costs on appeal.

Zelon, J.

We concur: Perluss, P.J.
Jackson, J.

April 27, 2009 (Continued)

DIVISION SEVEN (continued)

B206257 Fozoonmehr
v.
Re/Max P.V. Realty and Wong

Filed order denying petitions for rehearing filed by respondents Wong and Re/Max P.V. Realty.

DIVISION EIGHT

B203492 People (Not for Publication)
v.
Brian Lewis

The concurrent four-year sentence imposed following revocation of probation in case No. BA199899 is stricken. The abstract of judgment for case BA257780 shall be modified to show 314 days of actual custody credit and 156 days of conduct credit, for a total of 470 days of credit for time served. The clerk of the Los Angeles Superior Court is directed to send a copy of the amended abstracts of judgment to the Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.
Bigelow, J.

B208422 People (Not for Publication)
v.
E.J.,
In re E.J., a Person Coming Under the Juvenile Court Law.

The maximum term on confinement set by the court is stricken. In all other respects, the judgment is affirmed.

Rubin, Acting P.J.

We concur: Flier, J.
Bigelow, J.

April 27, 2009 (Continued)

DIVISION EIGHT (continued)

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The judgment is affirmed.

Bauer, J. (Assigned)

We concur: Rubin, Acting P.J.
Flier, J.

B206255 Bonnifield et al., (Not for Publication)
v.
Chevron Corporation

The judgment is affirmed. Chevron shall have its costs on appeal.

Bauer, J. (Assigned)

We concur: Rubin, Acting P.J.
Bigelow, J.

B206085 Gonzalez et al., (Not for Publication)
v.
Seiden

The trial court's order dated December 17, 2007, is affirmed. The parties are to bear their own costs on appeal.

Rubin, Acting P.J.

I concur: O'Neill, J. (Assigned)
I dissent: Bigelow, J. (Opinion)